

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA,

Defendant.

Case No. 12-cv-01596 (AKH)

**NOTICE OF MOTION
FOR RECONSIDERATION
OF TURNOVER ORDER AND
STAY**

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr.; *et al.*,

Petitioners,

v.

BANCO BILBAO VIZCAYA ARGENTARIA (S.A.),
et al.,

Respondents/Garnishees.

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law dated March 31, 2015, and all of the papers and proceedings previously had herein, Respondents/Garnishees, HSBC Bank USA, N.A., Deutsche Bank Trust Company Americas, Bank of America, N.A., Barclays Bank PLC, Citibank, N.A., JPMorgan Chase Bank, N.A., UBS AG, Wells Fargo Bank, N.A., Standard Chartered Bank, The Bank of New York Mellon, and Banco Bilbao Vizcaya Argentaria, S.A. will move this Court, Hon. Alvin K. Hellerstein, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, on April 14,

2015 (on submission as provided in Local Civil Rule 6.3 and Rule 2.D. of the Court's Individual Rules) for an Order (1) pursuant to Federal Rule of Civil Procedure 59(e) and Local Civil Rule 6.3 granting reconsideration of this Court's March 17, 2015 Order and Judgment for Turnover of Specified Uncontested Phase I Accounts (Docket No. 718-1) ("Order") upon the grounds that the Court overlooked (a) an intervening change in controlling law set forth in the Second Circuit Court of Appeals' decisions in *Calderon-Cardona v. Bank of New York Mellon*, 770 F.3d 993 (2d Cir. 2014) ("*Calderon-Cardona*") and *Hausler v. JP Morgan Chase Bank, N.A.*, 770 F.3d 207 (2d Cir. 2014) ("*Hausler*"); and (b) Petitioners' failure to meet their burden of proof on the motion underlying the Order; (2) granting a stay of proceedings pending the final disposition of the petitions for writ of *certiorari* to be filed with the U.S. Supreme Court by the petitioners in *Calderon-Cardona* and *Hausler* or, at a minimum, staying the Order pending the Court's determination of this motion; and (3) granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.3, answering memoranda, if any, must be served in accordance with Local Civil Rule 6.1(b).

DATED: March 31, 2015

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